

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

VICTORIA GREEN,

Plaintiff,

v.

GREG RODRIGUEZ, MICHAEL  
PALLARES, et al.,

Defendants.

Case No. 1:23-cv-00973 JLT HBK (PC)

**ORDER ADOPTING FINDINGS AND  
RECCOMENDATIONS IN FULL**

(Docs. 24, 40)

On September 25, 2025, the assigned Magistrate Judge issued Findings and Recommendations to grant the motion to dismiss as to Defendant Pallares; find the motion moot as to Defendant California Department of Corrections and Dotson; and allow Plaintiff leave to amend her Eighth Amendment claim against Defendant Pallares. (Doc. 40 at 1, 4.) The Findings and Recommendations were served on Plaintiff and contained notice that objections were to be filed within fourteen days of service. (*Id.* at 13.) The Court also warned the parties that failure to timely file objections “may result in the waiver of certain rights on appeal.” (*Id.* (citing *Wilkerson v. Wheeler*, 772 F.3d 834, 839 (9th Cir. 2014).) No party has filed objections and the time to do so has passed. (*See* docket.)

According to 28 U.S.C. § 636(b)(1)(C), this Court performed a *de novo* review of this case. Having carefully reviewed the matter, the Court concludes the Findings and

Recommendations are supported by the record and proper analysis. Thus, the Court **ORDERS**:

1. The Findings and Recommendations issued on September 25, 2025 (Doc. 40) are **ADOPTED** in full.
2. Defendants' Motion to Dismiss (Doc. 24) is **GRANTED** with respect to Plaintiff's claims against Pallares.
3. Defendants' Motion to Dismiss (Doc. 24) is **DENIED** as moot with respect to CDCR and Dotson and the request that the Court screen the FAC.
4. Plaintiff's FAC (Doc. 9) is **DISMISSED without prejudice as to Defendant Pallares** and Plaintiff is granted leave to file a second amended complaint within **twenty-one days** of this order.

IT IS SO ORDERED.

Dated: **October 24, 2025**

  
UNITED STATES DISTRICT JUDGE